

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12310 of 2014

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Devendra Sharma Son of Late Suresh Singh Resident of Village+ P.O.- Saristabad, P.S.- Ghoshi, District- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar
2. Chief Secretary, Govt. of Bihar, Old Secretariat, Patna.
3. Principal Secretary, Personal and Home Special Department Govt. of Bihar, Old Secretariat, Patna.
4. Director General of Police, Old Secretariat, Patna.
5. Additional Director General of Police, Old Secretariat, Patna.
6. Assistant Inspector General of Police (Inspection), Old Secretariat, Patna.
7. Commandant, B.M.P.14, Patna.
8. Deputy Superintendent of Police, B.M.P.14, Patna.
9. Deputy Secretary of Finance, Old Secretariat, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Radha Mohan Pandey
For the Respondent/s : Mr. Ga1- Shyam Kishore Sharma

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL ORDER

3 22-06-2015 Certain allegations were made against the petitioner that he had used forged documents to obtain the loan for purchase of land. The sanction was made. However, on scrutiny of documents it emerged that certain forgery was committed by the petitioner. Even a criminal case was instituted against him. After the enquiry, the disciplinary authority imposed punishment of two black marks and stoppage of increment for one year.

On suo motu review of the punishment order

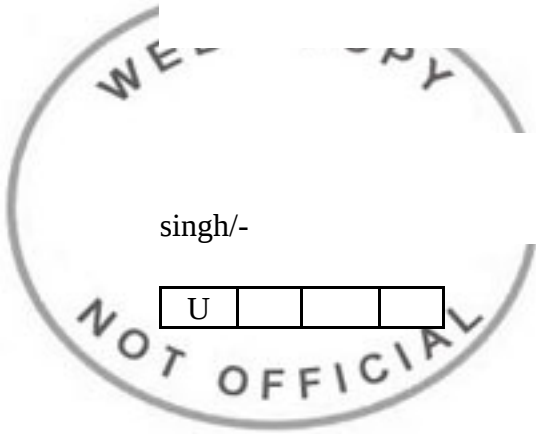
passed by the disciplinary authority, who is the commandant 14, Bihar Military Police, without issuing notice on the question of enhancement of punishment, the Director General of Police, Patna decided to dismiss him from service. This order is dated 11.06.2014, contained in Annexure 8.

Submission of the counsel for the petitioner is that the petitioner has rendered service for more than 33 years without any blemish or anything adverse against him. In fact, he had earned many awards and rewards for his good work. Therefore, it was not one of those cases where ultimately punishment of dismissal ought to have been awarded.

Looking at the nature of allegation and findings emerging in the enquiry, the punishment of dismissal is shocking to the conscience and seems to be disproportionate to the charges brought against the petitioner. That is the good enough ground to set aside Annexure 8, dated 11.06.2014 besides the fact that it also violates the principle of natural justice.

Let respondent pass a fresh order keeping the above fact in mind. The punishment order of dismissal ought not to be passed. The decision in this regard must be taken within a period of three months from the date of production of a copy of this order.

The writ petition stands disposed of in terms of the
above direction.



(Ajay Kumar Tripathi, J)

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